

# HOUSE BILL REPORT

## HB 1691

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**As Reported by House Committee On:**  
Environmental Health

**Title:** An act relating to limiting the use of certain solid fuel burning devices.

**Brief Description:** Regarding the use of certain solid fuel burning devices.

**Sponsors:** Representatives Rolfes, Campbell, Kagi, Moeller, Ormsby, Dickerson, Dunshee, Kenney and Conway.

**Brief History:**

**Committee Activity:**

Environmental Health: 2/11/09, 2/19/09 [DPS].

**Brief Summary of Substitute Bill**

- Allows local air authorities or the Department of Ecology to prohibit the use of non-certified solid fuel burning devices under certain circumstances as a measure to meet and maintain air quality standards in an attainment plan.

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### HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Campbell, Chair; Chase, Vice Chair; Dickerson, Dunshee, Finn, Hudgins and Rolfes.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Kretz.

**Staff:** Pam Madson (786-7111)

**Background:**

The federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set air quality standards for certain pollutants that harm public health and the environment. One of those pollutants is fine particulate matter. In Washington, wood smoke has been identified

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as a major source of fine particulate matter that can negatively affect air quality standards in an area. The EPA lowered the standard for this pollutant by 46 percent in 2006.

In 2007 the Legislature directed the Department of Ecology (DOE) to convene a work group to recommend practical and cost-effective measures to reduce the effects of wood smoke. The group made recommendations to update laws allowing curtailment of activities that increase wood smoke pollution. The Legislature adopted updates to the law in 2008. A longer term recommendation of the group was to reduce the number of uncertified solid fuel burning devices in use in the state. The work group's report also identified areas of the state that were likely to violate the standards for fine particulate matter in 2008 and 2009.

The EPA may designate an area as an area of nonattainment if there is a pattern of failure to reach and maintain air quality standards over a period of time. When an area is designated as a nonattainment area, the state in which the area is located must submit a plan to reach attainment. This designation can cause additional requirements for all sources emitting fine particulate matter, including industrial and household sources.

During the winter months, more than half of Washington's statewide fine particulate matter comes from fireplaces and inserts, wood stoves, and pellet stoves. Newer certified wood burning devices are much cleaner burning than older devices. Local air agencies and the DOE may prohibit the use of non-certified fireplace inserts and wood stoves as a contingency measure to meet the air quality standards set by the EPA after issuing findings that an area is failing to make further progress toward achieving attainment and emissions from solid fuel burning devices are a contributing factor to the failure to make further progress.

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### **Summary of Substitute Bill:**

A local air authority or the DOE may prohibit the use of solid fuel burning devices, except fireplaces and wood stoves that meet certain certification requirements and pellet stoves, as an additional measure to meet federal air quality standards in an attainment plan and maintain air quality standards based on written findings that:

- the area is designated as a nonattainment or maintenance status area for fine particulate matter by the EPA;
- the emissions from wood burning devices are the major reason for violating federal air quality standards for fine particulate matter; and
- the area has an adequately funded program to help low-income households obtain an adequate source of heat including wood stoves that meet certification standards.

Before issuing a prohibition, a local air authority must seek input from local governments and the local health department in the affected area. Cities, counties, and local health districts will cooperate with local air authorities to implement a prohibition on use of uncertified wood burning devices when a prohibition is declared.

### **Substitute Bill Compared to Original Bill:**

The substitute bill allows the local air authority or the DOE to prohibit the use of noncertified solid fuel burning devices to maintain attainment as well as to achieve attainment with federal air quality standards.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill provides an important tool to manage air pollution from wood smoke. The authority to prohibit the older wood burning stoves can only be used if other measures fail to reach attainment in a nonattainment area. This bill would allow the use of this tool sooner, if needed, to reach attainment. In the current new nonattainment area, a primary long term strategy is to replace the older, dirtier wood stoves with cleaner burning stoves. If this strategy is not enough, prohibiting the use of noncertified stoves is an option. Before that tool can be used, a local authority must hold hearings and assess the cost to replace stoves for people who must use the older stoves as a heat source. Fine particulate matter in wood smoke is a significant health issue. Stove retailers have worked with the DOE and air quality authorities to change out the older stoves in an affordable way. The newer stoves are significantly cleaner and can help achieve air quality, particularly now that the federal threshold levels are lower. Recent monitoring suggests this program can achieve results. The bill needs to include the ability to use this tool for maintenance as well as achieving attainment. This amendment is supported by the parties.

(Opposed) None.

**Persons Testifying:** Representative Chase; Bob Saunders, Department of Ecology; David Kircher, Puget Sound Clean Air Agency; Gregg Grunenfelder, Department of Health; Carolyn Logue, Northwest Hearth, Patio, and Barbeque Association; Daryl Logue, Capital City Stove and Fan; Gary Smith, Independent Business Association; and Grant Nelson, Association of Washington Business.

**Persons Signed In To Testify But Not Testifying:** None.